

PERSONNEL DEPARTMENT

SERVICES III

The 20th October, 2011

No. 28/76/2011-1SIII.—Sh. R. S. Virk, a member of Haryana Superior Judicial Service stands retired from Government service with effect from 31st August, 2011 (afternoon) at the age of Superannuation.

Chandigarh :
The 3rd October, 2011

URVASHI GULATI,
Chief Secretary to Government Haryana.

PERSONNEL DEPARTMENT

Order

The 19/20th October, 2011

No. 35/1/2005-7S(I).—The Governor of Haryana is pleased to order the following confirmation in Haryana Civil Services (Executive Branch) with effect from the date mentioned against the name of the officer :—

Sr. No.	Name of HCS Officer	From	To	With effect from
1.	Shri Satyender Duhan	Extra Assistant Commissioner Officiating.	Extra Assistant Commissioner Substantive Permanent.	6.1.2006

Chandigarh :
The 17th October, 2011

ANURAG AGARWAL,
Special Secretary to Government Haryana,
Personnel Department.

TECHNICAL EDUCATION DEPARTMENT

Order

The 18th October, 2011

No. 35/32/2011-2TE.—The Governor of Haryana is pleased to change the name of Government Polytechnic, Narwana as Rajiv Gandhi Government Polytechnic, Narwana.

The 30th August, 2011

AJIT M. SHARAN,
Financial Commissioner and Principal Secretary to
Government Haryana,
Technical Education Department.

WOMEN AND CHILD DEVELOPMENT DEPARTMENT

The 10th October, 2011

No. 238/ SW (3) - 2011.—In exercise of the powers conferred by Sub-section (3) of Section 1 of the Orphanages and other Charitable Homes (Supervision and Control) Act, 1960 (10 of 1960), the Governor of Haryana hereby appoints the date of publication of this notification in the Official Gazette to be the date for the purposes of the said sub-section.

5. (1) The State Government may, by notification in the Official Gazette, establish a Board of Control for the supervision and control of homes in the State.
- (2) The Board shall consist of the following members, namely:—
- (a) three member of the State Legislature to be elected by the members thereof :
- Provided that where the State Legislature consist of two Legislative Assembly from among themselves and one member shall be elected by the members of the Legislative Council from among themselves;
- (b) five members of the managing committees in the State, to be elected by such committees from among themselves, each such committee having one vote only for this purpose;
- Board of control
its constitution,
etc.

(c) the officer in charge of social welfare work in the State, to be nominated by the State Government;

(d) six members to be nominated by the State Government, of whom not more than one shall be a member of Parliament from the State and not less than three shall be women.

(3) If for any reason: the officer referred to in clause (c) of subsection (2) is unable to attend any meeting of the Board, he may depute any officer subordinate to him to attend such meeting.

(4) The Chairman of the board shall be elected by the members of the Board from among themselves:

Provided that at the time of the first constitution of the Board, one of the members of the Board shall be nominated by the State Government to be its Chairman.

Team of office
and casual
vacancies.

6. (1) Save as otherwise provided in this section, the term of office of a member of the Board shall be five years from the date of his election or nomination or until his successor has been duly elected or nominated, whichever is longer:

Provided that at the time of office of a member elected under clause (a) or clause (b) of sub-section (2) of section 5, or of a member of Parliament nominated under clause (d) of sub-section (2) of section 5, shall come to an end as soon as he ceases to be a member of the house of the State Legislature which elected him, the managing committee or Parliament, as the case may be.

(2) A member may at any time resign his office by giving notice in writing to the State Government and on such resignation being notified in the Official Gazette by that Government, the seat of such member shall become vacant.

(3) A casual vacancy in the Board shall be filled by fresh election or nomination, as the case may be; and the term of office of a member elected or nominated to fill such vacancy shall be the remainder of the term of the member in whose place he is elected or nominated.

(4) Members of the Board shall be eligible for re-election or re-nomination.

(5) No act done or proceeding taken by the Board shall be questioned on the ground merely of the existence of any vacancy in, or defect in the constitution of, the Board.

Function of
the Board.

7. (1) It shall be the duty of the Board to supervise and control generally all matters relating to the management of homes in accordance with the provisions of this Act; and exercise such other powers and perform such other functions as may be prescribed by or under this Act.

(2) In the performance of its functions under this Act, the board shall be bound by such directions as the State Government may give to it.

Power of the
Board to give
directions to
manager of a
recognised
home.

8. Subject to the directions, if any, given under sub-section (2) of section 7, the Board any from time to time, give such general or special directions to the manager of a recognised home as it thinks fit for the efficient management of the home and the manager shall comply with such directions.

Power of
inspection.

9. Any member of the Board, or any officer of the Board authorised in writing by it in this behalf, by general or special order, may enter at all reasonable times any home for the purpose of ascertaining whether the provisions of this Act or of any rules, regulations, directions or orders thereunder are being, complied with and may require the production, for his inspection, of any document book, register or record kept therein and ask for any document relating to the working of the home :

Provided that no such member or officer shall enter any home or part thereof where there are females, except in the presence of two respectable women of the locality.

Funds of the
Board.

10. The funds of the Board shall consist of —

- (a) contributions, subscriptions, donations, or bequests made to it by any person; and
- (b) grants made to it by the State Government or any local or other public body.

Staff of the
Board.

11. Subject to such rules as may be made by the State Government in this behalf, the Board may, for the purpose of enabling it to perform efficiently its functions or exercise its powers under this Act appoint such officers or other employees as it may think fit and determine their functions and conditions of service.

Delegation of
Powers.

12. Subject to the control of the State Government, the Board may, by General or special order in writing and subject to such conditions and limitations if any, as may be, specified therein, delegate to the Chairman or any other member or any officer thereof such of its power and functions under this Act, as it may deem necessary, for the efficient carrying on of its administration.

CHAPTER III

RECOGNITION OF HOMES

13. After commencement of this Act, no person shall maintain or conduct any home except under, and in accordance with, the conditions of a certificate of recognition granted under this Act.

Homes not to be run without certificate.

14. Every person desiring to maintain or conduct a home shall make an application for a certificate of recognition to the Board in such form and containing such particulars as may be prescribed :

Applications for certificates.

Provided that a person maintaining or conducting a home at the commencement of this Act shall be allowed a period of three months from such commencement to make an application for such certificate.

15. (1) On receipt of an application under section 14, the Board, after making such inquiry as it considers necessary, may, by order in writing, either grant a certificate or refuse to grant a certificate or refuse to grant it.

Grant or refusal of certificate.

(2) No order refusing to grant a certificate shall be made with an opportunity is given to the applicant to be heard in the matter and where a certificate is refused, the grounds for such refusal shall be communicated to the applicant in the prescribed manner.

(3) No fee shall be charged for the grant of a certificate.

(4) A certificate shall not be transferable.

16. (1) The certificate shall specify—

Contents of Certificate.

(a) the name and location of the recognised home;

(b) the name of the manager thereof;

(c) the nature of the home, whether for women generally or for widows or for children generally or for orphans or for one more of these classes;

(d) the number of inmates to be taken by the home;

(e) the minimum standards regarding boarding, lodging, clothing, sanitation, health and hygiene which, having regard to the conditions of the locality in which the recognized home is situated and its resources, should be complied with in the home;

(f) the standard of education or training to be provided for the inmates of the home, in case the education or training of its inmates is undertaken; and

(g) such other conditions and particular as may be prescribed:

Provided that there shall be deemed to be included in the certificate granted in respect of a home for females a condition to the effect that the person in charge thereof, whether called superintendent or by any other name, shall ordinarily be a woman.

(2) The Board shall not, ordinarily, permit any recognized home to admit as inmates, persons of different sexes, but may do so for reasons to be recorded and subject to such limitations as may appear to it to be in the public interest.

(3) Without the previous written consent of the Board no recognized home shall—

(a) change its name or location as specified in the certificate in respect of it; or

(b) alter the purpose of any service specified therein.

17. (1) The Board may, without prejudice to any other penalty to which a person to whom a certificate has been granted may be liable under this Act, revoke the certificate—

Revocation of certificate.

(a) if it is satisfied that the home is not being conducted in accordance with the conditions laid down in the certificate; or

(b) the management of the home is being persistently carried on in an unsatisfactory manner or is being carried on in a manner highly prejudicial to the moral and physical well-being of the inmates; or

- (c) the home has in the opinion of the Board, otherwise rendered itself unsuitable for the purpose :

Provided that no order of revocation shall be made under this sub-section until an opportunity is given to the person to show cause why the certificate should not be revoked;

and in every case of revocation the grounds therefore shall be communicated to the person in the prescribed manner;

(2) Where a certificate in respect of a home is revoked under sub-section (1), such home shall cease to function—

- (a) where an appeal has not been preferred under section 18 against the order of revocation, immediately on the expiration of the period, prescribed for such appeal;
- (b) where such appeal has not been preferred but the order of revocation is upheld, from the date of the appellate order.

(3) On any home ceasing to function under sub-section (2), the Board may direct that any woman or child who is an inmate of such home shall be—

- (a) restored to the custody of her or his parent, husband or lawful guardian, as the case may be, or
- (b) transferred to another recognized home, or
- (c) entrusted to the care of any other fit person:

Provided that no woman shall be entrusted to the care of any person other than a woman.

Appeals.

18. Any person aggrieved by an order of the board refusing to grant a certificate or revoking a certificate may, in such manner and within such period as may be prescribed prefer an appeal to the State Government or to such authority as may be specified by it against such refusal or revocation:

Provided that the State Government or the Authority so specified as the case may be; may admit an appeal after the expiry of the period so prescribed, if it is satisfied that the applicant was prevented by sufficient cause from preferring the appeal in time.

Surrender of certificate and its effect.

19. (1) The manager of a home, if specially authorized in this behalf by resolution of the managing committee, may, on giving six months notice in writing to the Board of his intention so to do, apply for the withdrawal of the certificate granted in respect of that home and on the expiration of the said period from the date of notice, the certificate shall, unless before that time the notice is withdrawn, cease to have effect; and the home shall cease to function.

(2) No woman or child shall be received into any such home after the date of such notice; but nothing in this section shall be constructed to affect the obligation of the manager to comply with all the requirements of this Act and the rules, regulations, directions and orders thereunder until the certificate ceases to take effect under sub-section (1).

CHAPTER IV

MANAGEMENT OF RECOGNISED HOMES

Managing committee.

20. (1) There shall be a managing committee in charge of the management of every recognized home and the members of the managing committee shall appoint a member thereof to be the manager of such home for the purpose of this Act.

(2) The constitution, powers and functions of the managing committee and the term of office of the members thereof shall be such as may be provided in the constitution pertaining to such home.

Duty of Manager.

21. It shall be the duty of the manager to comply with all the requirements of this Act and the rules, regulations, directions and orders thereunder in respect of every woman or child admitted in to the recognized home until the woman is rehabilitated or the child completes the age of eighteen years or until the certificate ceases to have effect.

22. (1) Subject to the regulations, if any, made by the Board, if the managing committee of a home is satisfied that an inmate of the home has become fit to earn his or her livelihood or is otherwise fit to be discharged from the home, the manager may discharge such inmate.

Discharge of inmates of home.

(2) Notwithstanding anything contained in sub-section (1) no female inmate of a home shall be discharged or given in marriage or entrusted to the care of any other person unless such female has made a declaration before the Board or an officer specified by it in this behalf that she consents to such discharge, marriage or entrustment, as the case may be, and, if the inmate to be given in marriage is a minor, unless the Board or officer, as the case may be, has after recording the reasons in writing, given its or his approval thereto.

23. The manager shall, immediately after the occurrence of any death among the inmates of the home, send a written report thereof to the Board explaining the cause of death to the best of his knowledge.

Reports regarding deaths of inmates.

CHAPTER V

MISCELLANEOUS

24. Any person who fails to comply with any of the provisions of this Act or of any rule, regulation, direction or order thereunder or any of the conditions of a certificate shall be punishable in the case of a first offence with imprisonment which may extend to three months or with fine which may extend to two hundred and fifty rupees or with fine which may extend to one thousand rupees or with both.

Penalties.

25. No Prosecution under this Act shall be instituted except with the previous sanction of the District Magistrate or the Chief Presidency Magistrate, as the case may be.

Sanction for Prosecutions.

26. The members of the board and every person empowered by the Board to exercise any of its powers under this Act shall be deemed to be public servants within the meaning of section 21 of the Indian Penal Code .

Persons performing functions under Act to be Public servants.

27. No suit, Prosecution or other legal proceeding shall lie against any person who performs any function under this Act for anything done or intended to be done in good faith under this Act or any rule, regulation, direction or order thereunder.

Protection of acts done in good faith.

28. (1) If, after consultation with the Board, the State Government is satisfied that the circumstances in relation to any class of homes or any home are such that it is necessary or expedient so to do, it may, by notification in the Official Gazette, and for reason to be specified therein, exempt, subject to such condition, restrictions or limitation, if any, as it may think fit to impose, such class of homes or home, as the case may be, from the operation of all or any of the provision of this Act or of any rule or regulation made thereunder.

Power of the State Government the exempt homes.

(2) Every notification issued under this section granting an exemption shall be reviewed in consultation with the Board at intervals not exceeding two years, but nothing herein contained shall affect the power of the State Government to amend, vary or rescind any such notification at any time in consultation with the Board.

29. (1) The State Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

Power of State Government to make rules.

(2) In particular, and without prejudice to the generally of the foregoing power, such rules may provide for all or any of the following matters, namely:—

- (a) all matters relating to, or in connection with, elections to the Board under clause (b) of sub-section (2) of section 5 and the election of the Chairman;
- (b) the disqualification's for membership of the Board and the procedure to be followed in removing member who is or becomes subject to any disqualifications;
- (c) the funds of the Board;
- (d) the travelling and other allowances to be drawn by members of the Board;

- (e) the appointment of staff for enabling the Board to perform its functions efficiently under this, Act and their recruitment and conditions of service;
- (f) the calling of returns and other information by the State Government from Board and the managing committees;
- (g) the form in which an application for certificate of recognition may be made, the particulars to be contained in such application and the form in which, and the conditions subject to which such certificate may be granted;
- (h) the maintenance of registers and accounts by the Board and the audit of its accounts;
- (i) any other matter which is to be, or may be, prescribed.

(3) All rules made under this Act shall, as soon as may be after they are made, be laid before the State Legislature.

Power of the Board to make regulations.

30. (1) The Board may, with the previous approval of the State Government, by notification in the Official Gazette, make regulation not inconsistent with this Act and the rules made thereunder, for enabling it to perform its functions under this Act.

(2) In particular, and without prejudice to the generally of the foregoing power, such regulations may provide for all or any of the following matters, namely:—

- (a) the time and place of the meetings of the Board the procedure to be followed in regard to the transaction of business at such meeting and the quorum necessary for the transaction of business at such meetings;
- (b) the maintenance of the minutes of meetings of the Board and the transmission of copies thereof to the State Government;
- (c) the appointment of sub-committees and local committees and of persons by the Board for the purpose of assisting it in performing its functions under this Act;
- (d) the supervision and control of the management of recognised homes;
- (e) the inspection of homes;
- (f) the calling of returns and other information by the Board from managing committees;
- (g) the reception, care, treatment, maintenance, protection training welfare, instruction control and discipline of inmates in recognised homes;
- (h) visits to, and communication with, inmates of recognised homes and the grant of permission to such inmates to absent themselves for short periods;
- (i) the discharge of inmates from recognised homes their transfer from one recognised home to another and the reports to be sent by managers to the Board;
- (j) any other matter in respect of which provision is, in the opinion of the Board necessary for the efficient supervision and control of homes.

(3) The State Government may, by notification in the Official Gazette, amend or rescind any regulation, which it has approved and the regulation shall have effect accordingly, but without prejudice to the exercise of the powers of the Board under sub-section (1).

Repeals and savings.

31. (1) As from the date of the coming into force in any State of this Act, the Women's and Children's Institutions (Licensing) Act, 1956, or any other Act corresponding to this Act in force in that State immediately before such commencement, shall stand repealed.

(2) Notwithstanding such repeal, anything done or any action taken (including any direction given, any register or rule or order made or any restriction imposed) under the said Act shall, in so far as such thing or action is not inconsistent with the provisions of this Act be deemed to have been done or taken under the provisions aforesaid, as if they were in force when such thing was done or such action was taken, and shall continue in force accordingly until superseded by anything soon or any action taken under this Act.

Dated : 30th August, 2011

DHEERA KHANDELWAL,
Financial Commissioner and Principal Secretary to
Government, Haryana,
Women & Child Development Department.